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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,746	03/21/2006	Kazuyuki Matsumura	MATS3038/GAL	3304
23364	7590	01/08/2009	EXAMINER	
BACON & THOMAS, PLLC			RAMDHANIE, BOBBY	
625 SLATERS LANE				
FOURTH FLOOR			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314-1176			1797	
			MAIL DATE	DELIVERY MODE
			01/08/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/572,746	MATSUMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BOBBY RAMDHANIE	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the request for continued examination filed on 10/29/2008.
2.  The allowed claim(s) is/are 1 and 3-6.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_ .
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_ .
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2008 has been entered.

### ***Drawings***

2. The drawings were received on 10/29/2008. These drawings are acceptable.

### ***Response to Amendment***

### ***Allowable Subject Matter***

3. Claims 1 and 3-6 are allowed. The following is an examiner's statement of reasons for allowance: Claims 1 and 3-6 are toward a cell observation chamber which comprises two cam mechanisms. The prior art of record does not disclose nor suggest this type of closure.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George Loud on 07/09/08.

In the Specification, under the Drawings Section, the following will be added:

### **BRIEF DESCRIPTION OF THE DRAWINGS**

Fig. 1 is a schematic diagram, partially in cross-section, of an embodiment of the cell observation chamber of the present invention illustrating the flow path of cells between the wells of the chamber.

Fig. 2 is a top plan view of the cell observation chamber of Fig. 1.

Fig. 3 is a partial, enlarged schematic view, partially in cross-section, of the cell observation chamber of Fig. 1 showing the cell flow path.

Fig. 4 is a bottom plan view of the substrate 7 of the cell observation chamber of Fig. 1.

Fig. 5 is a side, cross-sectional view of the substrate 7 of the cell observation chamber of Fig. 1.

Fig. 6 is a perspective view of an apparatus for detecting cell chemotaxis and for isolating chemotactic cells, utilizing a cell observation chamber of the present invention.

Fig. 7 is a perspective view of the cell observation chamber of Fig. 1.

Fig. 8 is a top plan view of the cell observation chamber of Fig. 1.

Fig. 9 is a front elevational view of the cell observation chamber of Fig. 1.

Fig. 10 is a side elevational view of the cell observation chamber of Fig. 1.

Fig. 11 is a front cross-sectional view of the cell observation chamber of Fig. 1.

Fig. 12 is a side cross-sectional view of the cell observation chamber of Fig. 1.

Fig. 13 is a perspective view of the cell observation chamber of Fig. 1, partially disassembled by removal of the guide block body 34.

Fig. 14 is a perspective view of the cell observation chamber of Fig. 1, further disassembled by removal of the cover block body 33.

Fig. 15 is a block diagram of a temperature control system for the cell observation chamber of Fig. 1.

Figs. 16(1) and 16(2) are exploded views of a conventional cell observation chamber.

#### ***Telephonic Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOBBY RAMDHANIE whose telephone number is (571)270-3240. The examiner can normally be reached on Mon-Fri 8-5 (Alt Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. R./

/Walter D. Griffin/  
Supervisory Patent Examiner, Art Unit 1797